

# HB6026



## 99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB6026

by Rep. Kathleen Willis

### SYNOPSIS AS INTRODUCED:

720 ILCS 675/1.5

Amends the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act. Defines "electronic cigarette" and "electronic cigarette liquids". Contains provisions limiting the advertising and marketing of electronic cigarettes and electronic cigarette liquids targeted at persons under the age of 18 by manufacturers and retailers of such products. Contains provisions discontinuing and prohibiting the outdoor advertising and transit advertising of electronic cigarettes and electronic cigarette liquids by manufacturers and retailers of such products.

LRB099 19016 MJP 43405 b

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Prevention of Tobacco Use by Minors and Sale  
5 and Distribution of Tobacco Products Act is amended by changing  
6 Section 1.5 as follows:

7 (720 ILCS 675/1.5)

8 (Text of Section before amendment by P.A. 99-496)

9 Sec. 1.5. Distribution of alternative nicotine products to  
10 persons under 18 years of age prohibited; limitations on  
11 advertising and marketing electronic cigarettes.

12 (a) For the purposes of this Section, "alternative nicotine  
13 product" means a product or device not consisting of or  
14 containing tobacco that provides for the ingestion into the  
15 body of nicotine, whether by chewing, smoking, absorbing,  
16 dissolving, inhaling, snorting, sniffing, or by any other  
17 means. "Alternative nicotine product" excludes cigarettes,  
18 smokeless tobacco, or other tobacco products as these terms are  
19 defined in Section 1 of this Act and any product approved by  
20 the United States Food and Drug Administration as a non-tobacco  
21 product for sale as a tobacco cessation product, as a tobacco  
22 dependence product, or for other medical purposes, and is being  
23 marketed and sold solely for that approved purpose.

1       "Electronic cigarette" means a battery-operated device  
2       that contains a combination of nicotine, flavor, or chemicals  
3       or any combination thereof that are turned into vapor which is  
4       inhaled by the user.

5       "Electronic cigarette liquids" means liquids sold and  
6       marketed for the refilling of electronic cigarettes.

7       (b) A person, either directly or indirectly by an agent or  
8       employee, or by a vending machine owned by the person or  
9       located in the person's establishment, may not sell, offer for  
10      sale, give, or furnish any alternative nicotine product, or any  
11      cartridge or component of an alternative nicotine product, to a  
12      person under 18 years of age.

13      (c) Before selling, offering for sale, giving, or  
14      furnishing an alternative nicotine product, or any cartridge or  
15      component of an alternative nicotine product, to another  
16      person, the person selling, offering for sale, giving, or  
17      furnishing the alternative nicotine product shall verify that  
18      the person is at least 18 years of age by:

19           (1) examining from any person that appears to be under  
20           27 years of age a government-issued photographic  
21           identification that establishes the person is at least 18  
22           years of age or

23           (2) for sales made though the Internet or other remote  
24           sales methods, performing an age verification through an  
25           independent, third-party age verification service that  
26           compares information available from public records to the

1 personal information entered by the person during the  
2 ordering process that establishes the person is 18 years of  
3 age or older.

4 (d) The following limitations on the advertising and  
5 marketing of electronic cigarettes and electronic cigarette  
6 liquids shall apply:

7 (1) No manufacturer or retailer of electronic  
8 cigarettes or electronic cigarette liquids shall take any  
9 action, directly, or indirectly, to target persons under  
10 the age of 18 in the advertising, promotion, or marketing  
11 of electronic cigarettes or electronic cigarette liquids.

12 (2) No manufacturer or retailer of electronic  
13 cigarettes or electronic cigarette liquids shall take any  
14 action the primary purpose of which is to initiate,  
15 maintain, or increase the incidence of electronic  
16 cigarette use by persons under the age of 18.

17 (3) No manufacturer or retailer of electronic  
18 cigarettes or electronic cigarette liquids shall use or  
19 cause to be used any cartoon in the advertising, promotion,  
20 packaging, or labeling of such products.

21 (4) No manufacturer of electronic cigarettes or  
22 electronic cigarette liquids may engage in brand name  
23 sponsorship in the State at events at which the intended  
24 audience is comprised of a significant percentage of  
25 persons under the age of 18. Such events shall include  
26 concerts and athletic events.

1           (5) Manufacturers and retailers of electronic  
2           cigarettes or electronic cigarette liquids shall  
3           discontinue all outdoor and transit advertising for  
4           electronic cigarettes or electronic cigarette liquids  
5           within 150 days after the effective date of this amendatory  
6           Act of the 99th General Assembly. After these 150 days, no  
7           manufacturer or retailer of electronic cigarettes or  
8           electronic cigarette liquids shall place or cause to be  
9           placed any outdoor advertising or transit advertising for  
10           electronic cigarettes or electronic cigarette liquids.

11           (Source: P.A. 98-350, eff. 1-1-14.)

12           (Text of Section after amendment by P.A. 99-496)

13           Sec. 1.5. Distribution of alternative nicotine products to  
14           persons under 18 years of age prohibited; limitations on  
15           advertising and marketing electronic cigarettes.

16           (a) For the purposes of this Section, "alternative nicotine  
17           product" means a product or device not consisting of or  
18           containing tobacco that provides for the ingestion into the  
19           body of nicotine, whether by chewing, smoking, absorbing,  
20           dissolving, inhaling, snorting, sniffing, or by any other  
21           means. "Alternative nicotine product" excludes cigarettes,  
22           smokeless tobacco, or other tobacco products as these terms are  
23           defined in Section 1 of this Act and any product approved by  
24           the United States Food and Drug Administration as a non-tobacco  
25           product for sale as a tobacco cessation product, as a tobacco

1 dependence product, or for other medical purposes, and is being  
2 marketed and sold solely for that approved purpose.

3 "Electronic cigarette" means a battery-operated device  
4 that contains a combination of nicotine, flavor, or chemicals  
5 or any combination thereof that are turned into vapor which is  
6 inhaled by the user.

7 "Electronic cigarette liquids" means liquids sold and  
8 marketed for the refilling of electronic cigarettes.

9 (b) A person, either directly or indirectly by an agent or  
10 employee, or by a vending machine owned by the person or  
11 located in the person's establishment, may not sell, offer for  
12 sale, give, or furnish any alternative nicotine product, or any  
13 cartridge or component of an alternative nicotine product, to a  
14 person under 18 years of age.

15 (c) Before selling, offering for sale, giving, or  
16 furnishing an alternative nicotine product, or any cartridge or  
17 component of an alternative nicotine product, to another  
18 person, the person selling, offering for sale, giving, or  
19 furnishing the alternative nicotine product shall verify that  
20 the person is at least 18 years of age by:

21 (1) examining from any person that appears to be under  
22 27 years of age a government-issued photographic  
23 identification that establishes the person is at least 18  
24 years of age or

25 (2) for sales made through the Internet or other remote  
26 sales methods, performing an age verification through an

1 independent, third-party age verification service that  
2 compares information available from public records to the  
3 personal information entered by the person during the  
4 ordering process that establishes the person is 18 years of  
5 age or older.

6 (d) A person under 18 years of age shall not possess an  
7 alternative nicotine product.

8 (e) The following limitations on the advertising and  
9 marketing of electronic cigarettes and electronic cigarette  
10 liquids shall apply:

11 (1) No manufacturer or retailer of electronic  
12 cigarettes or electronic cigarette liquids shall take any  
13 action, directly, or indirectly, to target persons under  
14 the age of 18 in the advertising, promotion, or marketing  
15 of electronic cigarettes or electronic cigarette liquids.

16 (2) No manufacturer or retailer of electronic  
17 cigarettes or electronic cigarette liquids shall take any  
18 action the primary purpose of which is to initiate,  
19 maintain, or increase the incidence of electronic  
20 cigarette use by persons under the age of 18.

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26 electronic cigarette liquids may engage in brand name

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2 audience is comprised of a significant percentage of  
3 persons under the age of 18. Such events shall include  
4 concerts and athletic events.

5 (5) Manufacturers and retailers of electronic  
6 cigarettes or electronic cigarette liquids shall  
7 discontinue all outdoor and transit advertising for  
8 electronic cigarettes or electronic cigarette liquids  
9 within 150 days after the effective date of this amendatory  
10 Act of the 99th General Assembly. After these 150 days, no  
11 manufacturer or retailer of electronic cigarettes or  
12 electronic cigarette liquids shall place or cause to be  
13 placed any outdoor advertising or transit advertising for  
14 electronic cigarettes or electronic cigarette liquids.

15 (Source: P.A. 98-350, eff. 1-1-14; 99-496, eff. 6-1-16.)